

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Rezone of PHX 10-11 property from Final PAD to I-1 (Light Industrial Park) with a PAD Overlay	STAFF PRESENTER: Karen Craver, AICP Planner III CASE NUMBER: 18-200-00012 OTHER PRESENTER: Jordan Rose, Esq., Rose Law Group
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PROPOSED ACTION:

1. Conduct a public hearing to consider a request to rezone the PHX 10-11 subject property from Final Planned Area Development (PAD) to I-1 (Light Industrial Park) Zoning District with a PAD Overlay.
 - a. Open the Public Hearing
 - b. Staff Presentation
 - c. Applicant Presentation
 - d. Receive Public Comments
 - e. Close the Public Hearing

2. ADOPT RESOLUTION NO. 2018-1920 DECLARING AS PUBLIC RECORDS THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND TITLED “OFFICIAL SUPPLEMENTARY ZONING MAP NO. 18-12”, “PHX 10-11 LEGAL DESCRIPTION”, AND PHX 10-11 I-1, LIGHT INDUSTRIAL PARK ZONING DISTRICT WITH PAD OVERLAY, DATED NOVEMBER 2018”.

3. ADOPT ORDINANCE NO. 2018-1418 REZONING APPROXIMATELY 279 ACRES OF LAND LOCATED BETWEEN THE NORTH SIDE OF BROADWAY ROAD AND THE SOUTH SIDE OF MC-85 AND EXTENDING FROM EAST OF BULLARD AVENUE TO WEST OF LITCHFIELD ROAD, FROM THE FINAL PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT WITH UNDERLYING C-2 (GENERAL COMMERCIAL), I-1 (LIGHT INDUSTRIAL PARK), AND I-2 (GENERAL INDUSTRIAL) ZONING TO THE I-1 (LIGHT INDUSTRIAL PARK) ZONING DISTRICT WITH A PAD OVERLAY, AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

BACKGROUND AND PREVIOUS ACTIONS:

On April 8, 1985, the Town of Goodyear Council approved a rezone of approximately 430 acres on the east side of Bullard Avenue and the north side of Broadway Road, extending eastward to the intersection of Litchfield Road and MC-85. The rezone was from a mix of hard C-2 (General Commercial), I-1 (Light Industrial Park), and I-2 (General Industrial) zoning to the Final Planned Area Development (PAD) zoning district with underlying C-2 (General Commercial), I-1 (Light Industrial Park), and I-2 (General Industrial) zoning. To date, a half dozen industrial buildings have been constructed near the Bullard Avenue frontage, and nine commercial and industrial buildings have been constructed near the intersection of Litchfield Road and MC-85. The interior

279 acres of the 430 acres, generally located between the north side of Broadway Road and the south side of MC-85 and extending from east of Bullard Avenue to west of Litchfield Road, has remained undeveloped, with the exception of a city-owned water tank.

On October 24, 2018, this application was submitted on behalf of the owner of the 279 acres, to rezone the property from Final Planned Area Development (PAD) to I-1 (Light Industrial Park) Zoning District with a PAD Overlay. This application has not previously been presented to the Planning and Zoning Commission or the City Council.

STAFF ANALYSIS:

Current Policy

A request to rezone property requires public review by the Planning and Zoning Commission and approval by the City Council. The proposed rezoning must be in conformance with the General Plan and should not adversely impact the surrounding area as outlined in the Zoning Ordinance.

Details of the Request

The proposed rezone from Final Planned Area Development (PAD) to the I-1 (Light Industrial Park) Zoning District with a PAD Overlay will allow for the phased development of a five-building technology center. Phase 1 of the project consists of the construction of two buildings identified as #10 and #11 at the southern end of the property approximately 325 feet north of Broadway Road.

The PAD District Regulations document submitted by the applicant includes the following proposed development standards and design guidelines:

- Increasing the maximum allowed building height from 50 feet to 60 feet
 - Staff can support this modification of the I-1 regulations
- Increasing the maximum allowed building coverage from 50% to 60%
 - Staff can support this modification of the I-1 regulations
- Constructing buildings using a metal façade
 - This request is not supported by the literal application of the City Design Guidelines
- Utilizing chain link fencing
 - This request is not supported by the literal application of the City Design Guidelines

Rezoning Criteria

Per the City of Goodyear Zoning Ordinance, the city's review and recommendation shall be guided by the following considerations:

1. *Consistency with the General Plan.*

The General Plan designates this area as “Industrial”. The rezone from Final PAD to I-1 with a PAD Overlay does not impact the land use and are consistent with the policies of the General Plan.

2. *Suitability of the subject property’s physical and natural features for the uses permitted under the proposed zoning district.*

The rezone from Final PAD to I-1 with a PAD Overlay will not impact the subject property’s suitability for permitted industrial uses.

3. *Compatibility of all potential uses allowed in the proposed zoning district with surrounding uses and zoning.*

The rezone from Final PAD to I-1 with a PAD Overlay will not impact the compatibility of the subject property’s allowed uses with surrounding uses and zoning.

Surrounding Uses and Zoning:

- North: MC-85, the Union Pacific Railroad, and the Phoenix-Goodyear Airport zoned AG (Agricultural)
- South: Farm land zoned AG (Agricultural)
- East: Primarily farm land zoned I-1 (Light Industrial Park) with one existing industrial building
- West: Industrial buildings, and some farm land, zoned PAD

In addition to the planned technology center use being compatible with the surrounding uses and zoning, the project’s utilization of metal building construction and chain link fencing can also be considered to be of minimal impact in this particular location for the following reasons:

- The project will occur in the vicinity of MC-85, the Union Pacific Railroad, and the Phoenix-Goodyear Airport; highly industrialized transportation corridors and an airport with many existing metal buildings.
- The project will occur in the vicinity of a sand and gravel operation.
- The project will occur in the vicinity of older industrial buildings constructed before the adoption of the current City Design Guidelines.
- The project will occur in a 279-acre five-building campus setting with only two street frontages; Broadway Road and MC-85, allowing for significant buffering of the five buildings.
- The project will not occur on a scenic arterial or a major arterial such as Estrella Parkway or Cotton Lane; it will occur on Broadway Road, a minor arterial, and on MC-85, a County roadway.
- The project will not occur in the vicinity of Interstate 10 or State Road 303; high volume, modern transportation corridors.
- The project will not occur in the vicinity of city high-traffic corridors such as Cotton Lane and Estrella Parkway that extend from north of Interstate 10 to south of the Gila River, and as such, will occur in an isolated destination location.

- The project will not occur in the vicinity of residential development; an adjacent use for which compliance with the City Design Guidelines would be essential.
- The project will also incorporate perimeter berming and landscaping, as well as setting back the exterior equipment and metal buildings 325 feet from the property line adjacent to Broadway Road and from the property line adjacent to MC-85 to ensure that the metal buildings, equipment, and chain link fencing are partially screened from the public right-of-way and the adjoining properties.

4. *Proposed zoning district’s consistency with other land uses within the immediate area and whether uses allowed under the proposed zoning district would be better suited to the subject property than the uses allowed under the current zoning.*

The rezone from Final PAD to I-1 with a PAD Overlay will not impact the consistency of the subject property with existing industrial uses and farm land in the immediate area, or the appropriateness of the property’s allowed uses.

5. *Demand for the types of uses permitted in the proposed zoning district in relation to the amount of land currently zoned and available to accommodate the demand.*

The rezone from Final PAD to I-1 with a PAD Overlay will not impact the demand for or availability of industrial land.

6. *Demands for public services that will be generated by the uses permitted in the proposed zoning district.*

The rezone from Final PAD to I-1 with a PAD Overlay will not impact the demand for city services generated by the permitted industrial uses.

Fire Response:

The rezone property will be served by Fire Station #184/181 located at 16161 West Yuma Road, and by Fire Station #182 located at 10701 S. Estrella Parkway. Emergency response times and distances are below.

Nearest Fire Station	Shortest path		Longest path		2nd nearest Fire Station	Shortest path		Longest path	
	Mins	Mile	Mins	Miles		Mins	Miles	Mins	Miles
#184/181	9.35	4.67	10.25	5.12	#182	13.82	6.91	14.72	7.36

Police Services:

The subject property is located within an existing police patrol beat and the current level of service within the beat can accommodate the future development of the permitted industrial uses.

Water & Wastewater:

Subject to the stipulations in the Ordinance, water and wastewater services will be provided for the permitted industrial uses by the city of Goodyear.

Stormwater:

A stormwater management system and a storm water pollution prevention plan will be developed in accordance with City of Goodyear Engineering Design Standards as part of the site plan review and approval process.

Streets/Access:

Development on the rezone property may be accessed via Broadway Road, with a secondary emergency access via a cul-de-sac to be constructed at the east end of La Estella.

Solid Waste/Recycling:

Solid waste and recycling services will be provided for the permitted industrial uses by a commercial hauler.

7. *Potential adverse fiscal impacts that will result from providing services to areas not in proximity to where existing public services are provided.*

The subject property is in proximity to existing public services that will be extended to the property by the property owner.

8. *General public concerns.*

Public Participation:

As allowed by the Citizen Review process, it was determined that because the rezone from Final PAD to I-1 with a PAD Overlay does not change the permitted industrial uses on the subject property, a Citizen Review meeting was not required. As an alternative, a postcard was mailed to the owners of all property within 500 feet of the subject property informing them of the application to rezone the property and of the scheduled public hearing dates. Staff has been contacted by the owner of 40 undeveloped acres of I-2 (General Industrial) zoned land at the southeast corner of Bullard Avenue and Broadway Road. The owner voiced concern regarding the proposed metal buildings and inquired about the planned grading of the subject property. The applicant's engineer contacted the owner and the owner has informed staff he no longer has concerns.

Notification of Planning & Zoning Commission and City Council Public Hearings:

A public notice for the December 5, 2018, public hearing before the Planning & Zoning Commission, and the December 17, 2018, public hearing before the City Council appeared in the Southwest Valley edition of the Arizona Republic on November 16, 2018. In addition to informing the surrounding property owners of the two public hearing dates, the postcard also provided city and applicant contact information, and the city website link to information on the proposed rezone. The subject property has also been posted. To date, no inquiries have been received.

Planning & Zoning Commission Meeting:

Following the publication of the agenda for the December 5, 2018 meeting, the property owner's representative sought changes to certain of the stipulations. The changes requested were as follows:

- The deletion of stipulation 3 of the draft ordinance that was included in the agenda for the Planning and Zoning Commission Meeting, which provided:

~~In addition to the visibility and mitigation measures reflected in the PHX 10-11 Sight Visibility and Mitigation exhibit, dated November 2018, the berms depicted on the exhibit shall be undulating so that the berms do not have the appearance of a dike, and the berms shall also be developed in sections, and at angles, to add visual interest as well as screening;~~

Staff was supportive of this request because the berm reflected in the PHX 10-11 Sight Visibility and Mitigation Exhibit dated November, 2018 is to have a slope of 6:1, which staff believed would accomplish the buffering as well as providing visual interest.

- The modification of stipulation 2 of the draft ordinance that was included in the agenda for the Planning and Zoning Commission Meeting, as follows:

The Project shall comply the sight visibility and mitigation measures reflected in the PHX 10-11 Sight Visibility and Mitigation exhibit, dated November 2018 and attached to the PAD Overlay, or as approved by WAPA (Western Area Power Administration) and the city;

This change was requested to allow for changes that might be needed to comply with WAPA requirements created because of the existing WAPA power lines and easement along the Broadway frontage that might affect what could be planted in the landscape buffers.

- The modification of stipulation 5 of the draft ordinance that was included in the agenda for the Planning and Zoning Commission meeting as follows:

~~The outdoor exterior equipment yard~~ and the metal buildings shall be set back a minimum of ~~350~~ 325 feet from the property line adjacent to MC-85 and from the property line adjacent to Broadway Road;

The setback distances are to reflect the site plan and were changed because the engineers provided a more precise measurement of the setbacks and the other changes were to clarify the intent.

- The modification of stipulation 7 of the draft ordinance that was included in the agenda for the Planning and Zoning Commission to revise the setback requirement from 350 feet to 325 for the reasons set forth above.

At the Planning & Zoning Commission meeting of December 5, 2018, these proposed changes were discussed with staff and an acknowledgement was made by the applicant that they were in agreement with the recommended stipulations of approval. The Commission voted 5 to 0 to recommend approval of the rezone from Final PAD to I-1 with a PAD Overlay with the revised stipulations. No member of the public spoke at the public hearing.

9. *Whether the amendment promotes orderly growth and development.*

The rezone from Final PAD to I-1 with a PAD Overlay will continue to allow for the development of the subject property and promote the orderly growth and development of the city.

10. *Any other factors related to the impact of the amendment on the general health, safety, and welfare of citizens of the City and general public.*

The rezone from Final PAD to I-1 with a PAD Overlay will continue to promote the general health, safety, and welfare of the city.

FISCAL ANALYSIS:

Although a fiscal impact analysis has not been conducted on the request to modify the stipulations of approval, all future development will have an ongoing fiscal impact on the city. Future development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development.

RECOMMENDATION:

Staff and the Planning & Zoning commission find that the rezone from Final PAD to I-1 (Light Industrial Park) zoning with a PAD Overlay is consistent with the General Plan and the Zoning Ordinance, and best serves the public interest, health, comfort, convenience, safety, and general welfare of the citizens of Goodyear. Staff and the Commission also find that the utilization of metal building construction and chain link fencing can be considered to be of minimal impact due to the berming and landscaping mitigation proposed by the applicant, and because of the location of the project and the uses surrounding the project.

ATTACHMENTS:

1. Resolution No. 2018-1920
 - a. Exhibit A – Supplementary Zoning Map 18-12
 - b. Exhibit B – Legal Description
 - c. Exhibit C – PHX10-11 I-1 Zoning with PAD Overlay, dated November, 2018
2. Ordinance No. 2018-1418
3. Aerial Photo Exhibit
4. PHX 10-11 Sight Visibility and Mitigation Exhibit, dated November, 2018